

4/16/19

10:25 A.M.

Chapter No. 475
19/HR31/R1182SG
CST / CB

HOUSE BILL NO. 779

Originated in House



Clerk

HOUSE BILL NO. 779

AN ACT TO AMEND SECTION 65-1-179, MISSISSIPPI CODE OF 1972, TO REVISE HOW THE EMERGENCY ROAD AND BRIDGE REPAIR FUND MONIES MAY BE SPENT; TO AMEND SECTION 19-11-27, MISSISSIPPI CODE OF 1972, TO ALLOW COUNTY BOARDS OF SUPERVISORS TO EXPEND CERTAIN TRANSPORTATION FUND MONIES DURING THE LAST TERM OF OFFICE OF SUCH BOARDS; TO AMEND SECTION 65-7-95, MISSISSIPPI CODE OF 1972, TO PROVIDE EXCEPTIONS TO CERTAIN LIMITATIONS ON BOARDS OF SUPERVISORS AWARDING OF CONTRACTS FOR ROADS AND BRIDGES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 65-1-179, Mississippi Code of 1972, is amended as follows:

65-1-179. (1) There is created in the State Treasury a special fund to be known as the "Emergency Road and Bridge Repair Fund," into which shall be deposited money appropriated by the Legislature or otherwise made available in any manner, and funds from any other source designated for deposit into such fund.

Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned or investment earnings on amounts in the fund shall be deposited into the fund. The expenditure of money deposited into

the fund shall be under the direction of the Mississippi Department of Transportation, and such funds shall be paid by the Mississippi Department of Transportation upon warrants issued by the Department of Finance and Administration.

(2) Money in the fund shall be utilized by the Mississippi Department of Transportation, with the advice of the Emergency Road and Bridge Repair Fund Advisory Board, to provide funding for emergency repairs to roads, streets and highways in this state and emergency bridge repairs on public roads, streets and highways in this state, as determined by a unanimous vote of the Mississippi Transportation Commission. However, before the expenditure of money in the fund, the department shall promulgate rules and regulations as authorized in subsection (3) of this section.

(3) (a) There is created the Emergency Road and Bridge Repair Fund Advisory Board which shall consist of the following members:

(i) The President and Chief Executive Officer of the Mississippi Economic Council;

(ii) The President and Chief Executive Officer of the Mississippi Manufacturers Association;

(iii) The President of the Mississippi Farm Bureau Federation;

(iv) The President of the Mississippi Poultry Association;

(v) The President of the Mississippi Trucking Association;

(vi) The Executive Director of the Mississippi Association of Supervisors;

(vii) The Executive Director of the Mississippi Municipal League;

(viii) The Executive Vice President of the Mississippi Cattlemen's Association;

(ix) The Executive Director of the Mississippi Loggers Association; and

(x) The Executive Director of the American Council of Engineering Companies-Mississippi.

(b) The Governor shall appoint the chairman of the board and the board shall elect such other officers as it considers necessary from among its members.

(c) A majority of the members of the board shall constitute a quorum for the conduct of meetings and all actions of the board shall be by a majority vote. No compensation, per diem or mileage expense shall be provided board members.

(d) The Governor's office shall provide any necessary administrative support to the board.

(e) The board shall meet at least quarterly to conduct business.

(f) The board shall provide nonbinding advice to the Department of Transportation regarding the expenditure of money in the Emergency Road and Bridge Repair Fund.

(4) The Mississippi Department of Transportation shall have all powers necessary to implement and administer the program established under this section * * * to maximize all potential sources of funding including state and federal, for projects covered by the program. Any available sources of funding may be combined to fund any project covered by the program. This includes state aid road funds and/or Local System Bridge Replacement and Rehabilitation Program funds, which may be used in conjunction with Emergency Road and Bridge Repair Fund monies within the discretion of the State Aid Engineer. Under no circumstances, however, shall Emergency Road and Bridge Repair Fund monies be used to reimburse any amount that has been expended on the project prior to the award of such monies to the recipient.

(5) When monies in the Emergency Road and Bridge Repair Fund are distributed for projects, such monies shall not be re-deposited in the State Treasury, absent extraordinary circumstances where the recipient must return monies received under the program. This requirement is not intended to inhibit state agencies from receiving Emergency Road and Bridge Repair Fund monies for appropriate projects or to curtail any proper transfer of monies to accomplish such a project.

(6) The department shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

SECTION 2. Section 19-11-27, Mississippi Code of 1972, is amended as follows:

19-11-27. No board of supervisors of any county shall expend from, or contract an obligation against, the budget estimates for road and bridge construction, maintenance and equipment, made and published by it during the last year of the term of office of such board, between the first day of October and the first day of the following January, a sum exceeding one-fourth (1/4) of such item of the budget made and published by it, except in cases of emergency. The clerk of any county is prohibited from issuing any warrant contrary to the provisions of this section. No board of supervisors nor any member thereof shall buy any machinery or equipment in the last six (6) months of their or his term unless or until he has been elected at the general election of that year. The provisions of this section shall not apply to (i) until January 1, 2020, projects of any type that receive monies from the Local System Bridge Replacement and Rehabilitation Program, the Emergency Road and Bridge Repair Fund, the 2018 Transportation and Infrastructure Improvement Fund or the Gulf Coast Restoration Fund and (ii) to expenditures during calendar year 2019 on deficient bridges in the State Aid Road System or the Local System Road Program that have a sufficiency rating of less than fifty (50) or

to a contract, lease or lease-purchase contract executed pursuant to the bidding requirements in Section 31-7-13 and approved by a unanimous vote of the board. Such unanimous vote shall include a statement indicating the board's proclamation that the award of the contract is essential to the efficiency and economy of the operation of the county government.

SECTION 3. Section 65-7-95, Mississippi Code of 1972, is amended as follows:

65-7-95. The methods of constructing, reconstructing and maintaining the public roads and bridges in this state, other than those under the actual charge of the State Highway Department, shall be as follows:

Any county may purchase implements and material through its central purchase system; may employ labor; may work, construct, reconstruct and maintain the public roads; may build bridges; and may do any and all things necessary to be done to work, construct, reconstruct and maintain the public roads and to build bridges as herein provided. If, in the opinion of the board of supervisors, any part of the work necessary to be done in working, constructing, reconstructing and maintaining the public roads and in building bridges in such county, or any part or parts thereof, can best be done by awarding contracts therefor, the board of supervisors may advertise for bids and make contracts therefor in accordance with the provisions of Section 31-7-13; and the board of supervisors may, in its discretion, use any funds heretofore or

hereafter raised by bond issue or otherwise for working, constructing, reconstructing, maintaining and improving the public roads and for building bridges as herein provided. Except for contracts exempt from the provisions of Section 19-11-27, * * * no * * * contract provided above shall be awarded that shall extend beyond thirty (30) days from the termination and end of the term of office of the members of the boards of supervisors awarding same.

Before any board of supervisors may hire, lease or rent any heavy road machinery or equipment for use in the construction, reconstruction or maintenance of any county road or bridge, such board of supervisors shall first adopt an order adjudicating the necessity for leasing or renting such machinery or equipment, the purposes for which it is to be used, the type of such machinery or equipment and the reasons why the leasing or renting thereof will promote the public interest of the county. Such order shall also direct the clerk of the board of supervisors to advertise for bids for such machinery or equipment, which bids shall be returnable on a day to be fixed by the board of supervisors, in accordance with Section 31-7-13.

All contracts for the leasing or renting of such machinery or equipment shall be awarded to the lowest and best responsible bidder whose bid price or rental consideration is not in excess of the current rates and charges fixed and prescribed by the Nielsen/Data Quest publication, which rates and charges fixed and

prescribed by the Nielsen/Data Quest publication shall be on file with the Governor's Office of General Services at that time.

All invoices submitted for the leasing or renting of such machinery or equipment shall identify the equipment by number and name and shall include the number of hours of labor performed and the dates thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

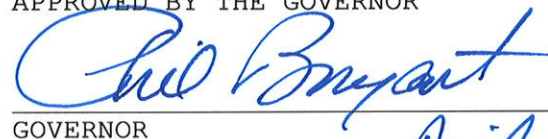
PASSED BY THE HOUSE OF REPRESENTATIVES
March 28, 2019


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 28, 2019


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

April 16, 2019

10:25 AM